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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 ROBERT EDWARD POWELL,

12 Petitioner,

13 v.

14 COUNTY OF SACRAMENTO
15 DISTRICT ATTORNEY, et al.,

16 Respondents.
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No. 2:20-CV-0043-DMC-P

ORDER

18 Petitioner, a state prisoner proceeding with retained counsel, brings this petition
19 for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is petitioner's
20 petition for a writ of habeas corpus (ECF No. 1).

21 "A petitioner for habeas corpus relief must name the state officer having custody
22 of him or her as the respondent to the petition." Stanley v. California Supreme Court, 21 F.3d
23 359, 360 (9th Cir. 1994); see also Rule 2(a), Federal Rules Governing Section 2254 Cases.
24 Because petitioner has not named the appropriate state officer, petitioner will be provided leave to
25 amend to correct this technical defect by naming the correct respondent. See Stanley, 21 F.3d at
26 360. Petitioner is warned that failure to comply with this order may result in the dismissal of this
27 action. See Local Rule 110.

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Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's petition for writ of habeas corpus (ECR No. 1) is dismissed with leave to amend;
2. Petitioner shall file a first amended petition on the form employed by this court, and which names the proper respondent and states all claims and requests for relief, within 30 days of the date of this order; and
3. The Clerk of the Court is directed to send petitioner the court's form habeas corpus application.

Dated: January 22, 2020



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE